

ಎಂದು ಹೇಳಿದ್ದೀರಿ, ಹಾಗಾದರೆ ಈಗ ತಾವೇನು ತುಂಗಭದ್ರಾ ಸಕ್ಕರೆ ಕಂಪನಿಯವರಿಗೆ ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆಯಲ್ಲಿ ಲಿಫ್ಟ್ ಎಕರೆ ಜಮೀನನ್ನು ಏನು ಕೊಟ್ಟಿದ್ದೀರಿ ಆ ಜಮೀನನ್ನು ಸಮಗ್ರ ಕೊಡಿಸುವುದಾದರೆ ನಾವು ಒಂದು ಸಹಕಾರ ಸಂಘದ ಮುಖಾಂತರ ಸ್ಥಾಪನೆ ಮಾಡುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡುತ್ತೇವೆ ಇದಕ್ಕೆ ತಾವೇನು ಉತ್ತರ ಹೇಳುತ್ತೀರಾ?

ಶ್ರೀ ಎಂ. ರಾಜಶೇಖರಮೂರ್ತಿ:—ಈಗಾಗಲೇ ಆ ಜಮೀನನ್ನು ಆ ಸಕ್ಕರೆ ಕಂಪನಿಯವರಿಗೆ ೩೦ ವರ್ಷಗಳ ಲೀಜಿಗೆ ಕೊಟ್ಟಿದೆ. ಆ ಅವಧಿ ಮುಗಿದ ಮೇಲೆ ಈ ವಿಚಾರವನ್ನು ಯೋಚನೆ ಮಾಡಬಹುದು.

### PAPERS LAID ON THE TABLE.

SRI B. RACHAIAH. (Minister for Agriculture):—Sir I beg to lay on the Table. on behalf of the Hon. Minister for Development

“ The Mysore Agricultural Produce Marketing (Regulation)

(Amendment) Rules, 1970”. Vide Notification No. G. S. R. 44 Dated 3rd February 1970 issued under the Mysore Agricultural Procedure Marketing Regulation Act 1966.

SRI H. SIDDAVEERAPPA:—Sir, I rise to a point of order. This is a very important matter and it stands in the name of Sri P. M. Nadgouda. We have our own objections to raise on this issue.

MR. DEPUTY SPEAKER:—Laying of papers is purely formal procedure.

SRI H. SIDDAVEERAPPA:—I take objection to the very laying of these rules on the Table of the House.

SRI K. H. SRINIVASA:—Sir, I may be permitted to seek one clarification from the Hon. Revenue Minister. I want to know whether instructions have been issued to the Deputy Commissioner in Shimoga Zone to demand only the old rates?

MR. DEPUTY SPEAKER:—That matter is already over. I will permit The Hon Member to refer to it afterwards. Now, let the papers be laid on the Table.

SRI H. SIDDAVEERAPPA:—Sir, I suggest that this matter be brought up tomorrow.

SRI K. H. PATIL:—Sir, I rise to a point of order. Sir, rule 116/(1) of rules of the procedure reads thus. “116 (1) Where, a regulation sub-rule rule bye-law, etc., framed in pursuance of the Constitution or of the legislative.

(SRI K. H. PATIL)

functions delegated by the legislature to a subordinate authority is laid before the Assembly the period specified in the Constitution or the relevant Act, for which it is required to be laid shall be completed before the Assembly is adjourned sine die and later prorogued, unless, otherwise provided in the Constitution or the relevant Act," I will read out section 153 of the relevant Act which reads thus:-

"153. Every rule made under this Act and every order issued under section 152 shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of 30 days which may be comprised in one session or two or more successive sessions and etc. etc....."

MR. DEPUTY SPEAKER: The hon. Member need not go into the merits.

SRI K. H. PATIL: I am not going into the merits. The point here is that the notifications have already been issued in the Gazette in the month of November 1969. There was sufficient time for the Government to lay these rules before the House, which they have not done. I know that all these rules are contrary to the Act. Now the Government is coming forward at the eleventh hour to lay these rules on the Table of the House.

Sir, on 4th April our Assembly has to be adjourned sinedie. Therefore I am bringing it to your kind notice that the rule requires that it shall not be adjourned until 30 days after it is laid before the House of legislature and if it is introduced today, the Assembly cannot be adjourned for 30 days. Otherwise, it should not be laid on the Table of the House. There should be a direction by the Chair that such of the notifications etc as are required to be placed on the Table of the House for the information of the Members have not been laid in proper time

SRI H. SIDDAVEERAPPA:— Sir, while substantiating what my learned friend has stated, I will bring only a few points for your consideration.

Sir, you know how for the last 2½ years to 3 years, we have been fighting for the establishment of regulated markets, the number of vicissitudes the Act has gone through and what is happening in Mysore today. Now, although these rules were published in the gazette in 1969, they have been laying them on the table of the House only on the last day because probably they do not want us to file any amendments. We want to go by the rules. We know there are so many rules which require to be revised and amended. We want to suggest so many amendments. Therefore, under the rule, please give us one month's time. Otherwise, I think it is not right on the part of the Government

to see that these rules are brought into force. I am making a suggestion that the Chair can give a ruling that 30 days time should be given to Members in which case we can send our amendments to your office, and they be brought before us when we meet next, I think it should not be taken that these should be taken as having been agreed to or passed by this House.

**SRI K. PUTTASWAMY:—**(Minister for Law Labour and Parliamentary Affairs) Sir, I think the Hon'ble Member Sri K. H. Patil was very kindly reading the relevant section from the Agricultural Market Committees Act. Sir, that section is obligatory. It casts an obligation on the Government to lay on the Table of this House the rules framed under the powers vested in them. Of course, I must also emphasise that that section expects that the Government must place on the Table of this House the Rules as soon as possible. What I am trying to point out is that section is mandatory and Government have no other way. They have to place the Rules on the Table of the House. For ratification those rules must be kept on the table of the House for 30 working days. The House is likely to rise tomorrow. It means that in this session the Rules will be before the House for 2 days only and the Rules will have to be on the table for 28 working days during the next session during which time any Hon'ble Member may table amendments, and if the amendments are agreed to, the rules will get modified to that extent. Now, Sir the point is, the objection that is taken by the Hon'ble Members is, I also feel that there is a lot of force in what they say there has been some delay in placing the rules on the Table of this House.

I have to point out one mistake that the Hon'ble Members have made. The rules were not published in the month of November. Only the draft rules were published in that month and the rules were finalised only in the month of February 1970. There after, they have got to be printed and today they are being placed on the table of the House. Even then I am not maintaining that we have been able to place it on the table of this House at the earliest. There has been some delay I agree. These rules were printed on 12th march 1970 and additional copies were got printed on 12th march 1970.

**SRI H. SIDDAVEERAPPA:—**If you were alert, you could have done it earlier.

**SRI K. PUTTASWAMY:—**But I want to make one submission. It is no doubt obligatory for Government to place it on the table of the House. But whether delay in placing these rules on the Table, is going to vitiate the rules is the point, for this House to deliberate.

SRI H. SIDDHAVEERAPPA:— You have placed these rules on the Table. we do not agree with some of these provisions. we want to file amendments. Until these amendments are considered and until rules finalised by this House, do you think that the rules will have the force of law?

SRI K. PUTTASWAMY:—I would only refer the Hon'ble Member to the Act itself. The Act specifically states that these rules will be in force till they are modified. Therefore on that point there is no ambiguity. Therefore, what I am submitting to you is that Government are under an obligation to place the rules on the Table of the House. The point of objection is there has been delay. The point for consideration by this House is whether this delay in placing the rules on the Table of this House is going to vitiate the rules. That is the point on which the House can deliberate and consider.

SRI H. SIDDHAVEERAPPA:—The point that really matters is whether I am deprived of my right of moving amendments.

SRI K. H. PATIL:—May I bring to your kind notice that the Act specifically says that if the specified period is not completed in one session, they shall be relaid in the succeeding session until such period is completed. Therefore, if according to me, period of only 2 days is left during the current session, then you will have to relay it before this House and while so relaying, my right to send amendments is not curtailed, in fact some of the amendments have already reached the Secretary. To avoid all these complications it is better that the Chair gives a ruling that the rules will be placed before the House next session.

SRI K. PUTTASWAMY:—The point urged by Sri Siddaveerappa is for consideration.

What SRI K. H. PATIL says is I have already pointed out. It has to be kept on the Table of the House for 30 working days and when the House meets next, it is obligatory for Government to place the rules on the table again. What I am trying to point out at this stage is, these objections are not relevant.

*[Mr. Speaker in the chair.]*

Government are under an obligation to place the Rules on the Table of the House. As regards delay, if there has been an undue delay in placing the Rules on the Table of the House, that is a matter for this House to consider separately. I submit that there is no force in the point of order, raised by the Hon. Member Sri K. H. Patil.



**SRI L. SRIKANTAI AH (Nanjingud) :—**The Hon. Minister was pleased to say that the House is only concerned with the delay in placing the Rules on the table of the House. I am very sorry to say that the Hon. Minister has totally misconstrued the meaning of section 153. Now as per section 153 the Government have chosen to come forward to place the Rules on the table of this House. Why? Because the House is in session. Now the question is whether the Government have fulfilled the mandatory provision contained in section 153. I say, No. Today they have laid the rules on the table of the House and from today we count the days and it is not a question of considering the delay involved. As has been rightly pointed out, when the House is in session, today if you place the Rules on the Table of the House, how are you complying with the mandatory provision of section 153? It is clearly stated that every order under section 152 shall be laid, as soon as may be after it is made, before each House of the State Legislature, when it is in session, for a period of 30 days. You come forward to place the Rules today and the House is in session when you have chosen to place these rules. If the House is in session, then naturally 30 days must elapse from today after it is laid on the table of the House. Therefore, there is no question of condoning the delay and so you cannot seek refuge under section 153.

**SRI H. SIDDHAVEERAPPA :—**Moreover, I may add that the Hon. Minister Sri Puttaswamy wants to wriggle out. In one voice he says "you are correct", and in another voice he says the delay has to be condoned. Then what should happen is that the Assembly will have to sit for another 28 days to give us chance for filing amendments. Otherwise you have got to get that section amended by issue of an ordinance as you have been doing in so many cases. You have issued so many ordinances to amend the Regulated Markets Act. Instead of that, my suggestion is that you take back these Rules and bring them afresh in the next session. Because this is under the charge of a Minister who is sick, the whole Act also has become sick and nothing has been done according to rules.

**MR. SPEAKER :—**As regards the rules, they have been issued under section 153. Section 153 says:

"Every rule made under this Act and every order issued under section 152 shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of 30 days, which may be comprised in one session or in two or more successive sessions, and "If, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect, only in such modified form of be of no effect, as the case may be... ...

SRI L. SRIKANTAIAM:—The latter portion becomes important under section 152.

MR. SPEAKER:—I shall read that also.

“.....so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

Now the point of Sri Siddaveerappa is that the House is deprived of the right of moving amendments under section 153. That is not correct. These Rules are laid on the table of the House today and so the thirty-day period begins to count only from today and it will be further counted in the adjourned session also. Even if the House is prorogued, still the Rules will have to be relaid before the House when it meets next for the remaining number of days to make up the thirty days period and so Members will not be deprived of their right to move amendments.

Secondly, as regards delay, I do not know whether there was any delay. I think the section only says “as soon as may be after it is made” and no particular time is mentioned. But that does not absolve the Government from the responsibility of laying it in time on the table of the House or at least at the earliest opportunity.

SRI H. SIDDAVEERAPPA:—As to whether there was delay or not would be seen from the date the Rules were printed. Is this the way of doing things? I am afraid how the rights of millions of agriculturist would be safeguarded at the hands of this Government.

SRI K. H. PATIL:—I would like to bring to the notice of the Chair and the Minister for Parliamentary Affairs that as Legislators we are bound by the provisions of the Rules of procedure and Conduct of Business in the Mysore Legislative Assembly. It is laid down in the section of the Act that the Rules have to be laid before the House for a minimum period of 30 days. I entirely agree when it is said that the Rules will be laid before the House for the remaining period in the next session of the House, but at the same time I would like to bring to the notice of the Chair that we are bound by Rules 116, 117, 118 etc. of our Rules of Procedure. Rule 116 says that the requisite number of days for which the Rule has to be laid before the Assembly shall be completed before the Assembly is adjourned *sine die*. Under that the Speaker's hands will be tied because he cannot adjourn the House *sine die* without completing the period of thirty days as the rule is mandatory. As I understand from the member of the Business Advisory Committee the Assembly is to be adjourned *sine die* without fixing a date. If that is so, the Speaker will not fix a particular date for further meeting of the Assembly and that will be against the provisions of this rule.

6-30 P. M.

MR. SPEAKER:—I do not know whether the Hon. Member has considered the import of the last two lines in sub-rule (1) of the rule 116 which says, "unless otherwise provided in the Constitution or the relevant Act." There is ample provision in the relevant Act and this period will be complete only after the Rules are laid before the House for a period of 30 days. The sub-rule (1) of rule 116 consists of two parts One is "shall be completed before the Assembly is Adjourned sine die and later prorogued" and the second part is the exception which says "unless otherwise provided in the Constitution or the relevant Act". This gives ample protection to the hon Members.

SRI K. H. PATIL:—Under rule 117 if the rules are placed on the table of the House, I have a right to give notice of amendment.

MR. SPEAKER:—That right is there during the period of 30 days.

SRI K. H. PATIL:—Even though they published these rules in the month of February, why have they delayed in placing them on the table of the House? They have delayed just to deprive us of our right of tabling amendments. It is not only a point of order but is a clear case of breach of privilege.

SRI H. SIDDABEENAPPA:—Sir, you will see that these rules refer to elections. Probably this is only State in India where there are no regulated market throughout the State and everything is controlled by the Administrators under the control of the Hon. Minister Sri Nadagowda. We were pressing and that elections should take place. Now they have brought so many controversial provisions in these rules. For instance, what should be the traders' constituency and the agriculturists constituency, who should be the voters all these are controversial matters. Suppose we keep quiet what will happen? These rules would be deemed to have come into force after 30 days. As soon as these rules are passed by this House, they can hold elections. And if we want to safeguard our rights we will have to go to a court of law and bring a stay order stopping the holding of elections. These rules shall have to be examined because they have the force of law. What we have done here is that we have not allowed every adult agriculturist to vote and we have provided only for limited franchise on the basis of payment of *Kandayam* or on the basis of one member of the family as the voter. Therefore, I am requesting the Hon. Minister Sri Puttaswamy to ponder over it because I know his heart is with us but he is trying to defend a case which cannot be defended. In spite of that, if they want to lay it on the table by their brute majority, take it from me that we will have to take a very serious view. That must remember that they are depriving 80 percent of the population of their

(Sri A. SIDDAVEERAPPA)

right to exercise their franchise. If they feel that they cannot hold the elections in time because of this lacuna, they have got the power to issue an ordinance. After all, they have been ruling by these ordinance. Let us see how far they are going to rule by ordinance. So far as the regulated markets are concerned, they have not been fair to our agriculturalists. They are onging lip sympathy to the agriculturists. If you, Sir, allow them to lay it on the table, they will be doing an illegal act, so let it be kept back.

Sri K. PUTTA SWAMY.—Sir, the hon. Members Sri Siddaveerappa and Sri K. H. Patil have made certain observations on the rules as such. I humbly submit that all those observations can be made only after the rules are placed on the table. We are simply doing an act which is mandatory on the Government under Section 153 of the Act. As the hon. Members pointed out, there is some delay in placing it on the table. I concede it. What would be the effect of the delay is a point for this House to consider after the rules are laid on the table. So my submission is that at this stage there is absolutely no force in the point of order. First, the rules have to be placed on the table of the House. If any observations or comments or remarks are to be made on the rules, it can only be after the rules are placed on the table.

SRI H. SIDDVEERAPPA.—That is not correct. The moment they are placed on the table we must move amendments to them. What is the good of moving amendments in the next session. If they like, let them hold the elections under the existing rules. Are they not depriving us of our right to submit amendments. After all, these are important rules. We are taking objection even to the tabling of these rules.

SRI K. PUTTA SWAMY.—These rules are deemed to be in force till they are modified by this house.

SRI H. SIDDAVEERAPPA.—In that case, let these rules not be enforced. Let the Government bring modified rules when we meet next.

SRI K. H. PATIL.—Sir, the interpretation of Section 153 by the Hon. Minister is not correct. The law-framers have meant that the rules have been tabled on the floor of the House and that the amendments have also been tabled and that the Speaker allows them to be discussed; and unless and until they are annulled or modified, the original rules will be in force. If the Government is relying on such defective interpretation and placing the Rules before us just a day prior to the House adjourning, and depriving the members of their right to send amendments, it will be a breach of Privilege. I need

not give a notice, for breach of privilege will not be against an individual Minister but it is against the Council of Ministers. That will amount to contempt and the House may be allowed to take such action as it deems fit.

**SRI L. SRIKANTAIAH:**—Under Section 153 of the Act, the Hon. Minister has to place before the Legislature the rules made under the Act. I entirely agree with the Hon. Minister for law that whether the rules are accepted or not, they were already in force. Under Section 153, the rules have validity. So, let the Rules be in forme and let amendments come forth.

**MR. SPEAKER:**—Having heard the hon. Members sufficiently, I want to make one point clear. My learned friend Sri Siddaveerappa stated that I should not wriggle out from the arguments. The question of my wriggling out does not arise. I assure the hon. Member Sri Siddaveerappa and all other members who objected to the laying of the Rules on the Table that in giving a ruling, the question of wriggling out will never arise and has never arisen. Though I am not entitled to give interpretation about Sections, I shall have to accept the literal meaning which the Section gives. Section 153 of the Mysore Agricultural Produce Marketing (Regulation) Act, 1966 makes it compulsory and imperative on the part of the Government to lay the Rules under the Act before the House as soon as possible. There may be delay. It is unfortunate that there has been delay; that delay in laying the Rules on the Table of the House should not have been there. I wish the Government will avoid such delays hereafter because that will cause considerable inconvenience to the Members. However, Section 153 casts a duty on the Government; it is mandatory, imperative and binding on the Government to place the Rules made under the Act on the Table as soon as they are made. The Government are acting under the imperative direction of the said Section in placing the Rules on the Table of the House. Therefore, it is not open to me to prevent the Government from performing that obligatory duty cast on them.

The second point Sri Siddaveerappa raised was, whether the Rules whether they are laid before this House or not, will continue to have validity. A plain reading of Section 153 will convince the hon. Member The Section says :

“.....and if, .....both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect, only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rules or order.”

(MR. SPEAKER)

Therefore, the effect of this Section is whether the Rules are placed on the Table of the House or not, the Rules are valid. As pointed out earlier by me, the delay in placing the Rules before the House should have been avoided. But this does not prevent the hon. Members from moving amendments to rules in the remaining period that will be available.

**SRI H. SIDDAVEERAPPA:**—The Hon. Speaker knows that this House commenced its sitting from 23rd February. we also know how intensely this House was feeling because for the third time, through Ordinance they have been ruling. So far as these Rules under the Mysore Agricultural Produce Marketing (Regulation) Act are concerned, if they were really bent upon doing business in the proper manner, they could have seen that the Notification was placed on the 19th February. It was printed in time and the Government could have come to this House earlier in order to avoid all these protests. They took things for granted. I have a suggestion to make to the Hon. Minister for Parliamentary Affairs. The Government have a set of rules; let those rules be followed. If they want to follow the second set of Rules under the Act, let them not try to introduce them. If they try to do so, it will be to their eternal... I do not know what to say. We some of us feel so intensively about our right from the beginning. They have been telling that these Regulated Markets concern the ryots. Therefore, the Government are playing with 80 per cent of the population of the State. We feel very intensively about these Rules. If in spite of our objections, the Minister insists on placing it, in protest I would like to stage a walk-out. I do not want this business to be taken at this late stage. If you want to do it, I will raise my protest and walk out.

**SRI K. H. PATIL:**—Sir, I want to bring to the notice of the House that the Rules to be laid on the Table of the House have lacunae as they are contrary to the provisions of the Act. This would amount to validating invalid provisions. As legislators we are not supposed to give assent to illegal provisions and validate invalid rules. We should break no rule; here we are breaking the rule. Could we adopt defective rules. This Rule is nothing but invalid. Can we push through invalid provisions? You being the custodian of this House, you should safeguard the interests of two crores of people. Government have no good intentions to bringing into force these Rules. They have *malafide* intentions. These Rules are clumsy. These Rules have been framed having individuals in view. Their intention in some of the Rules is only to victimise certain individuals. Such things are not proper and fair on the part of the Government or the Speaker..... I request you not to be a party for the implementation of such an

illegal provision. Through you, I also wish to take this opportunity of giving a challenge to the Government. Under the rules, they have taken a specific duty of completing the elections before 13th July. If they have got any sense of responsibility, I will ask them to accept the challenge I will throw. With all the illegality they have committed, they cannot hold the election before 13th July as planned. That is my challenge.

MR. SPEAKER:—Challenges and counter-challenges do not concern me. I have to decide issues on the interpretation of the Rules. That is my function. As made out by the hon. Member Sri Siddaveerappa, I can quite understand the inconvenience caused to the hon. Members by the delay in the laying of the Rules. I have no doubt that the Rules should have been laid earlier on the Table. But the question before me is whether I can prevent the Government from performing an obligatory duty under Section 153 of the Act and whether the Members are prevented from giving amendments to the Rules in course of time and in the next sittings. The latter point is a different matter. As far as I am concerned, the position is clear; that is, I cannot prevent the production and laying down of the papers.

Now the last portion of Section 153. Though the rules are modified they continue to be in force. Therefore, even if there is delay in laying the Rules Members will have an opportunity of amending them. I am not concerned with legal rights or litigation.

SRI H. SIDDAVEERAPPA:—We are only saying that you will be permitting an illegal thing to take place.

MR. SPEAKER:—I am sorry, it is not so.

SRI H. SIDDAVEERAPPA:—I know that so far as legal remedies are concerned, it is open to us. Here is the Government who are callous and indifferent. They do not take into account the interest of crores of people. As a protest I walk out and I do not wish to be a party to this. I hate the Government for their doing this.

(Several hon. members withdrew)

SRI K. PUTTASWAMY:—On behalf of the Minister for Development I beg to lay:

The Mysore Agricultural Produce Marketing (Regulation) (Amendment) Rules 1970.

Notification No. GSR 44 dated 3rd February 1970.  
under Section 153 of the Mysore Agriculture  
Produce Marketing (Regulation) Act, 1966.

MR. SPEAKER.—The Rules are laid on the Table.